

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

DANIEL JASON WARD,

Plaintiff,

vs.

BENEFIS HOSPITAL EAST,
DR. PAUL JOHNSON, DR. STACY
HERMILLER, PLANNED
PARENTING–C.C.D.C. NP KATHY
JORGENSEN,

Defendants.

CV 17-102-GF-BMM

ORDER

Plaintiff Daniel Ward (Ward) is a state prisoner proceeding *pro se*. Ward filed a Complaint on September 22, 2017. (Doc. 2). Ward alleges that the Defendants violated his rights under the United States Constitution in contravention of 42 U.S.C. § 1983 by denying him proper medical care while he was incarcerated at the Cascade County Detention Center. (Doc. 2 at 6-8).

United States Magistrate Judge John Johnston conducted an initial screening of Ward's Complaint under 28 U.S.C. § 1915 on March 2, 2018. (Doc. 9). Judge Johnston determined that the Complaint failed to set forth a sufficient basis for

federal jurisdiction. (Doc. 9 at 12). Judge Johnston explained why the Complaint failed to establish jurisdiction. (Doc. 9 at 6-9). Judge Johnston gave Ward an opportunity to cure the defects in his Complaint. Judge Johnston directed Ward to file an amended complaint on or before March 30, 2018. (Doc. 9 at 15). Judge Johnston informed Ward that this action may be dismissed if he failed to comply with the Court's Order. (Doc. 9 at 14-15). Ward did not file an amended complaint.

Judge Johnston issued Findings and Recommendations in this matter on April 9, 2018. (Doc. 10). Judge Johnston recommended that Ward's Complaint be dismissed for lack of jurisdiction. (Doc. 10 at 2). Ward did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Ward's Complaint (Doc. 2) is DISMISSED for lack of jurisdiction
2. Any appeal of this decision would not be taken in good faith as

Ward's claims lack arguable substance in law or fact.

3. The Clerk is directed to enter judgment accordingly.

DATED this 1st day of May, 2018.



Brian Morris
United States District Court Judge